



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/927,984	08/10/2001	Gary E. Harman	19603/3431 (CRF D-2716A)

CONFIRMATION NO. 5985

## FORMALITIES LETTER



\*OC00000006586798\*

Michael L. Goldman, Esq.  
NIXON PEABODY LLP  
Clinton Square  
P.O. Box 31051  
Rochester, NY 14603-1051

Date Mailed: 09/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/07/2002 ECAYASI1 00000085 09927984

FILED UNDER 37 CFR 1.53(b)

01 FC:205

65.00 DP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Harman et al. )  
Serial No. : 09/927,984 )  
Cnfrm. No. : Unknown )  
Filed : August 10, 2001 )  
For : PRODUCTION AND USE OF INDUCIBLE )  
ENZYMES FROM TRICHODERMA AND )  
BACTERIA FOR CONTROL OF PLANT )  
PESTS AND FOR INDUSTRIAL PROCESSES )

Examiner:  
Unknown  
  
Art Unit:  
Unknown

**RESPONSE TO NOTICE TO COMPLY WITH 37 C.F.R. §§ 1.821-1.825**

Commissioner For Patents  
Washington, D.C. 20231  
**Box: Missing Parts**

Dear Sir:

In response to the Notice to Comply with 37 C.F.R. §§ 1.821-1.825, applicants submit that the nucleotide sequences disclosed in paragraph 23, page 6, of the instant application are nucleotide sequences of less than 10 nucleotides each. Therefore, the requirement for submission of a Paper Sequence Listing under 37 C.F.R. §§ 1.821-1.825 does not apply in the above-referenced patent application.

Respectfully submitted,

Date: November 25, 2001

Michael L. Goldman  
Registration No. 30,727

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (716) 263-1304  
Facsimile: (716) 263-1600

<b>Certificate of Mailing - 37 CFR 1.8(a)</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Date 11/28/01	 Jo Ann Whalen



PATENT

Docket No.: 19603/3431 (CRF D-2716A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gary E. Harman, Bruno Donzelli, and Shiping Deng

Serial No. : 09/927,984

Cnfrm. No. : 5985

Filed : August 10, 2001

For : PRODUCTION AND USE OF INDUCIBLE ENZYMES FROM  
TRICHODERMA AND BACTERIA FOR CONTROL OF PLANT PESTS  
AND FOR INDUSTRIAL PROCESSES

TRANSMITTAL LETTER

Commissioner For Patents  
Washington, D.C. 20231  
**Box: Missing Parts**

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(b), which was mailed by the United States Patent and Trademark Office on **September 21, 2001**, enclosed are:

- ☒ Two Combined Declarations and Powers of Attorney (4 pages total).
- ☒ A Request for One-Month Extension of Time.
- ☒ Applicant claims small entity status. (See 37 CFR 1.27.)
- ☒ Response to Notice to Comply with 37 C.F.R. §§ 1.821 – 1.825.
- ☒ A copy of the Notice to File Missing Parts.
- ☒ A self-addressed, prepaid postcard for acknowledging receipt.
- ☒ Fees as calculated below:

FEE FOR ONE-MONTH EXTENSION OF TIME	\$55.00
SURCHARGE 37 CFR 1.16(e)	\$65.00
ADDITIONAL FEES	\$
TOTAL FEES SUBMITTED HEREWITH	\$120.00

- ☒ A check in the amount of **\$120.00** to cover the above fees.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Date: November 26, 2001



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<b>Certificate of Mailing - 37 CFR 1.8(a)</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<u>11/28/01</u> Date	<u>Jo Ann Whalen</u> Jo Ann Whalen